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NOV 13 2006

Remarks

Favorable reconsideration is respectfully requested in light of the following discussion.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-13 were rejected under 35 USC § 103(a) as being unpatentable over Takeshima (US 6676079), in view of Kaura (US 6571677), and further in view of Boock(US 6065717).

The previous examiner indicated that Takeshima taught an anti-hijacking cockpit shield comprising a stationary dividing wall configured to completely isolate the flight deck and passenger cabin, whereupon the dividing wall comprises a metallic sheet. However, the examiner acknowledged Takeshima does not teach adhering a ballistic resistant material in addition to the duraluminum bulkhead. The examiner indicated that Kaura teaches a ballistic protective laminate made of Kevlar™ and titanium for use in cockpit doors or partitions. The examiner further acknowledged Takeshima does not teach the use of metallic studs mounted to the fuselage for installation of the divider wall. The examiner indicated Boock taught a means for mounting wall panels directly to the fuselage through the use of studs, the purpose being to minimize vibration and noise into the cabin.

According to the examiner it would have been obvious to one skilled in the art at the time of invention to combine Takeshima with Kaura with Boock to create a Kevlar™ and titanium partition wall studded to the fuselage which would completely isolate the cockpit from the passenger compartments.

Applicants' Response to Claim Rejections Under 35 U.S.C. § 103

Applicant asserts that claims 2 is patentable under 35 USC § 103(a) over Takeshima (U.S. Patent No. 6,676,079), in view of Kaura (U.S. Patent No. 6,571,677), and further in view of Boock (U.S. Patent No. 6,065,717) because Kaura can not be combined with Boock.

Combining Kaura with Boock is improper because there is no technological motivation to do so. Kaura teaches that his ballistic proof laminate is "integrally encased within a composite plastic outer shell." (Col 3 lines 6-7) Figures 3 and 4 of Kaura show cross-sectional views where the metallic plate or plates are completely surrounded by an

outer shell. Kaura's invention was intended to be an inserted shield as described by Configuration 2 (Col 2 lines 24-31), not rigidly attached. Combining the invention with studs would then destroy the inventor's intent that the apparatus be inserted into place.

Additionally, combining the references would destroy the purpose of the invention. The purpose of the invention was to provide an encased shield. The detailed description and the cross-sectional views of the apparatus teach metal plates encased by an outer shell. Rigid attachment of the apparatus by studs, or other conventional mounting means, would destroy or impair the outer shell encasing the metallic plates. Furthermore, Kaura does not suggest using studs, or other penetrating mounting means such as the rivets or screws taught by Boock, because doing so would compromise the outer shell. Therefore, there would be disincentive to combine the references.

Finally, neither Kaura nor Boock teach a way to combine their inventions. Thus, Kaura can not be properly be combined with Boock because one of ordinary skill in the art would not be capable of maintaining the outer shell mounted to studs, or with other conventional mounting means. It is therefore improper to combine Kaura with Boock.

Applicant therefore asserts that because claim 2 is patentable that dependent claims 3-12 are also patentable. Applicant further asserts that claims 13-17 are also patentable.

Respectfully submitted,

September 13, 2006
Date

By: Mark M. Hamilton
Mark M. Hamilton, Reg. No.: 56,903
Telephone No.: (419) 902-9712

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